

**Dismissed and Opinion filed May 17, 2001.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-00-01311-CR**  
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**J. W. FREDIEU, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 183rd District Court  
Harris County, Texas  
Trial Court Cause No. 846,077**

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**OPINION**

After the trial court denied his motion to suppress, appellant pled guilty to possession of a controlled substance, namely cocaine, on September 28, 2000. In accordance with the terms of a plea bargain agreement with the State, the trial court sentenced appellant to four years confinement in the Texas Department of Criminal Justice--Institutional Division. Because we have no jurisdiction over this appeal, we dismiss.

Rule 25.2(b)(3) of the Texas Rules of Appellate Procedure provides that when an appeal is from a judgment rendered on a defendant's plea of guilty or nolo contendere and the punishment assessed does not exceed the punishment recommended by the State and agreed

to by the defendant, the notice of appeal must: (1) specify that the appeal is for a jurisdictional defect; (2) specify that the substance of the appeal was raised by written motion and ruled on before trial; or (3) state that the trial court granted permission to appeal. TEX. R. APP. P. 25.2(b)(3). The rule does not mean, however, that an appellate court's jurisdiction is properly invoked by the filing of a specific notice of appeal complying only in form with the extra-notice requirements of Rule 25.2(b)(3). *Betz v. State*, No. 14-99-01192-CR, 2001 WL 25908, \*\*1 (Tex. App.—Houston [14th Dist.] January 11, 2001, no pet.); *Sherman v. State*, 12 S.W.3d 489, 492 (Tex. App.—Dallas 1999, no pet.). An appellant must, in good faith, comply in both form and substance with the extra-notice requirements of the rule. *Id.*; see *Manuel v. State*, 994 S.W.2d 658, 662 (Tex. Crim. App. 1999) (stating that appellant's general notice of appeal could not truthfully state that trial court had given permission to appeal). Not only must the specific notice of appeal recite the applicable extra-notice requirements, the record must substantiate the recitations in the notice of appeal and the issues raised in the brief must relate to the specific claims in the notice of appeal. See *Betz*, 2001 WL at \*\*1; *Sherman*, 12 S.W.3d at 492. Statements required by the rule to be in the notice of appeal must be *true* to confer jurisdiction; mere allegations are not sufficient. *Sherman*, 12 S.W.3d at 492. (emphasis in the original). Noncompliance, in either form or substance, results in a failure to properly invoke the appellate court's jurisdiction over an appeal to which Rule 25.2(b)(3) is applicable. *Id.*

Appellant's notice of appeal failed to invoke this Court's jurisdiction. The notice of appeal states, in pertinent part: "**DEFENDANT, J.W. FRIDIEU** [sic] . . . excepting to the ruling of the Court in Defendant's motion to suppress, a matter raised by written motion and ruled on prior to trial, files this written notice of appeal . . . ." While this language complies with the form requirements of Rule 25.2(b)(3), appellant's brief does not raise issues related to the trial court's denial of the motion to suppress. See *id.* Rather, the only issues raised by appellant in the brief relate to claims of ineffective assistance of counsel. Therefore, we are without jurisdiction to consider any of appellant's issues or points of error.

Accordingly, we dismiss the appeal for want of jurisdiction.

PER CURIAM

Judgment rendered and Opinion filed May 17, 2001.

Panel consists of Justices Anderson, Hudson, and Seymore.

Do Not Publish — TEX. R. APP. P. 47.3(b).